UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/876,432	BERQUIST.ET AL.
	Examiner	Art Unit	
	Kumiko C. Koyama	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 August 2005*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-31, 38-49 and 75-102* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-31, 38-49 and 75-102* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *21 November 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *0605*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Amendment received on August 11, 2005 has been acknowledged.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on June 20, 2005 has been entered.

Double Patenting

2. rejection based on double patenting of the "same invention" type finds its support in the
language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful
process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention,"
in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg.
Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re
Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

. A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by
canceling or amending the conflicting claims so they are no longer coextensive in scope. The
filing of a terminal disclaimer <u>cannot</u> overcome a double patenting rejection based upon 35
U.S.C. 101.

3. Claim 18 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as

that of claim 60 of copending Application No. 09/882,969. This is a <u>provisional</u> double

patenting rejection since the conflicting claims have not in fact been patented.

4. The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible

harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.
Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686
F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA
1970); and *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

  A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to
overcome an actual or provisional rejection based on a nonstatutory double patenting ground
provided the conflicting application or patent is shown to be commonly owned with this
application. See 37 CFR 1.130(b).

  Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37
CFR 3.73(b).

5. Claim 1-24, 48-49 and 67-74 are provisionally rejected under the judicially created

doctrine of obviousness-type double patenting as being unpatentable over claims 60 and 64-77 of

copending Application No. 09/882,969 (herein after '969 application). Although the conflicting

claims are not identical, they are not patentably distinct from each other because the present

claimed invention is a broader recitation of the '969 application.

  Re claim 1 of the present invention: Claim 1 of the present invention recites "A method

of collecting information related to RFID tags associated with items of interest, comprising the

steps of: (a) selecting a category of items using a user interface associated with an RFID reader;

(b) using the RFID reader to interrogate at least one RFID tag associated with an item of interest;

and (c) associating information related to the at least one item with the selected cateogy."

  Re claim 60 of '969 application: Claim 60 of the '969 invention recites "A method of

interrogating RFID tags associated with items of interest, comprising the steps of: (a) selecting at

least one category of items using a user interface associated with an RFID reader; (b)

interrogating RFID tags associated with items, at least one of which is within the category of

items; (c) categorizing information related to the at least one item(s) associated with the

interrogated RFID tag(s) in at least one of the categories; and (d) ignoring any RFID-tagged-item that may not be categorized in at least one category."

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6.   Claim 32-37 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14-16 and 42 of copending Application No. 09/755,714 (herein after '714 application). Although the conflicting claims are not identical, they are not patentably distinct from each other because the present claimed invention is a broader recitation of the '714 application.

Re claim 32 of the present invention: Claim 32 of the present invention recites "A method of obtaining information related to items associated with RFID tags, comprising the steps of: (a) interrogating the RFID tags in an order; and (b) organizing the information in an order other than the order in which the tags were interrogated."

Re claim 37 of '714 application: Claim 37 of '714 application recites "A method of using an RFID reader for interrogating RFID tags associated with items of interest, by programming the RFID reader to provide specified information regarding each item of interest in a specified order on a user interface associated with the RFID reader, at least some of the information being selected from the group consisting of a name or title of the item, s serial or call number of the item, and a desired location for the item."

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-24, 48, 49, 75-98, 101 and 102 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Garber et al (US 6,232,870) in view of Parulski et al (US 5,633,678).

Re claims 1, 4-6, 8, 12 and 14: Garber teaches a method of using a portable RFID device

with a group of items each having an RFID tag, inputting information to the device describing a

certain item or class of items, scanning the RFID tags associated with each item in the group of

items, receiving signals from each of the scanned RFID tags, and comparing the received signals

to the information input to the device to determine whether the certain item or class of items are

present amount the group of items (col 18, lines 55+).

Garber fails to teach categorizing information related to the at least one item(s) associated

with the interrogated RFID tag(s) obtained in step (b) in at least one of the categories selected in

step (a).

Parulski teaches a categorization feature which enables a user to establish an appropriate

category, providing classification of the images by subject, before taking a group of pictures (col

4, lines 55-60). After the user selects a particular category, the image is captured and the

category information is stored in the removable storage device (col 4, lines 66-col 5, line 1). The

use can select a particular category and download only the images, which have a particular

category identifier, or the images can all be downloaded and stored in file folders labeled each

category name (col 5, lines 4-8). Parulski further teches that the category information can be

default code symbols (A, B, C, etc) or can be externally-generated category information, such as

names and optional text (col 4, lines 59-64). Furthermore, Parulski teaches that the

categorization feature is included in a digital camera, which is a portable device (col 4, lines 55-

58), and the camera includes an LCD device for the user to view and provide selections (col 5,

lines 52-67). Parulski also teaches that a user selects one or more categories for a plurality of

images (Abstract).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to integrate the teachings of Parulski to the teachings of Garber in order

to customize the stored item or item data according to the user, such that the user can easily find

and retrieve the item in faster manner.

Re claims 2 and 9: As described above, Parulski teaches that the category information is

stored in a removable storage device.

Re claim 3: As described above, Parulski teaches that the category information can be

default code symbols. Parulski teaches that the categorization feature is included in a digital

camera, which is a portable device (col 4, lines 55-58), and the camera includes an LCD device

for the user to view and provide selections (col 5, lines 52-67).

Re claims 7 and 15: As described above, Parulski teaches that the category can be

externally-generated category information, and therefore, the category information is uploaded

externally. Since Parulski teaches an LCD for display of information as described above.

Re claims 10 and 11: Parulski discloses that the category information can be default code

symbol or can be externally-generated category information, such as names and optional text

and/or graphic overlays. Since the category information can be names, optional text and/or graphic overlays, the category information may or may not be mutually exclusive because one category may or may not represent more than one category.

Re claim 13: Parulski discloses that the category information can be default code symbol or can be externally-generated category information, such as names and optional text and/or graphic overlays. Garber also teches describing a certain item or class of items Therefore, the categories describe different types of items.

Re claim 16: Parulski teaches that after the user selects a particular category, the image is captured and the category information is stored in the removable storage device (col 4, lines 66-col 5, line 1) as described above.

Re claim 17: Parulski teaches a flash EPROM memory (col 4, lines 54-55).

Re claims 18, 21, 22 and 91: Garber teaches a method of using a portable RFID device with a group of items each having an RFID tag, inputting information to the device describing a certain item or class of items, scanning the RFID tags associated with each item in the group of items, receiving signals from each of the scanned RFID tags, and comparing the received signals to the information input to the device to determine whether the certain item or class of items are present amount the group of items (col 18, lines 55+).

Garber fails to teach categorizing information related to the at least one item(s) associated with the interrogated RFID tag(s) obtained in step (b) in at least one of the categories selected in step (a).

Parulski teaches a categorization feature which enables a user to establish an appropriate category, providing classification of the images by subject, before taking a group of pictures (col

4, lines 55-60). After the user selects a particular category, the image is captured and the

category information is stored in the removable storage device (col 4, lines 66-col 5, line 1). The

use can select a particular category and download only the images, which have a particular

category identifier, or the images can all be downloaded and stored in file folders labeled each

category name (col 5, lines 4-8). Since Parulski teaches that the user can select a particular

category and download only the images that have a particular category identifier, Parulski

teaches ignoring any item that may not be categorized in the category identified. Parulski further

teches that the category information can be default code symbols (A, B, C, etc) or can be

externally-generated category information, such as names and optional text (col 4, lines 59-64).

Furthermore, Parulski teaches that the categorization feature is included in a digital camera,

which is a portable device (col 4, lines 55-58), and the camera includes an LCD device for the

user to view and provide selections (col 5, lines 52-67). Parulski also teaches that a user selects

one or more categories for a plurality of images (Abstract).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to integrate the teachings of Parulski to the teachings of Garber in order

to customize the stored item or item data according to the user, such that the user can easily find

and retrieve the item in faster manner.

Re claims 19 and 92: As described above, Parulski teaches that the category information

is stored in a removable storage device.

Re claims 20 and 93: Garber teaches that the category describes a certain item or class of

items

Re claims 23 and 94: Parulski teaches that after the user selects a particular category, the image is captured and the category information is stored in the removable storage device (col 4, lines 66-col 5, line 1) as described above.

Re claim 24: Parulski teaches a flash EPROM memory (col 4, lines 54-55).

Re claim 48, 49, 95, 97, 98, 101 and 102: Garber teaches a method of using a portable RFID device with a group of items each having an RFID tag, inputting information to the device describing a certain item or class of items, scanning the RFID tags associated with each item in the group of items, receiving signals from each of the scanned RFID tags, and comparing the received signals to the information input to the device to determine whether the certain item or class of items are present amount the group of items (col 18, lines 55+). Garber teaches inputting an algorithm to the device that describes an ordered set of items, scanning a plurality of items having RFID elements to obtain information from those elements, which serves as interrogating the RFID tags in an order, and comparing a description of the items obtained using the information obtained from the RFID elements to the algorithm to determine whether the scanned items or in the algorithm order, which serves as organizing the information in an order other than the order in which the tags were interrogated (col 19, lines 19-27). Garber also teaches providing an indication to a user of any item that is not in the algorithm order (col 19, lines 27-30).

Although Garber teaches a method of collecting data and fairly suggests organizing data, Garber was not clear on the method of organizing collected data.

Parulski teaches a categorization feature which enables a user to establish an appropriate category, providing classification of the images by subject, before taking a group of pictures (col 4, lines 55-60). After the user selects a particular category, the image is captured and the

category information is stored in the removable storage device (col 4, lines 66-col 5, line 1). The

use can select a particular category and download only the images, which have a particular

category identifier, or the images can all be downloaded and stored in file folders labeled each

category name (col 5, lines 4-8). Since Parulski teaches that the user can select a particular

category and download only the images that have a particular category identifier, Parulski

teaches ignoring any item that may not be categorized in the category identified. Parulski further

teches that the category information can be default code symbols (A, B, C, etc) or can be

externally-generated category information, such as names and optional text (col 4, lines 59-64).

Furthermore, Parulski teaches that the categorization feature is included in a digital camera,

which is a portable device (col 4, lines 55-58), and the camera includes an LCD device for the

user to view and provide selections (col 5, lines 52-67). Parulski also teaches that a user selects

one or more categories for a plurality of images (Abstract).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to integrate the teachings of Parulski to the teachings of Garber in order

to customize the stored item or item data according to the user, such that the user can easily find

and retrieve the item in faster manner.

Re claim 49: Garber teaches a touch-screen display (col 15, lines 1-5).

Re claims 75, 76, 80, 81, 83, 87: Garber teaches a method of using a portable RFID

device with a group of items each having an RFID tag, inputting information to the device

describing a certain item or class of items, scanning the RFID tags associated with each item in

the group of items, receiving signals from each of the scanned RFID tags, and comparing the

received signals to the information input to the device to determine whether the certain item or

class of items are present amount the group of items (col 18, lines 55+).

Garber fails to teach categorizing information related to the at least one item(s) associated

with the interrogated RFID tag(s) obtained in step (b) in at least one of the categories selected in

step (a).

Parulski teaches a categorization feature which enables a user to establish an appropriate

category, providing classification of the images by subject, before taking a group of pictures (col

4, lines 55-60). After the user selects a particular category, the image is captured and the

category information is stored in the removable storage device (col 4, lines 66-col 5, line 1). The

use can select a particular category and download only the images, which have a particular

category identifier, or the images can all be downloaded and stored in file folders labeled each

category name (col 5, lines 4-8). Parulski further teaches that the category information can be

default code symbols (A, B, C, etc) or can be externally-generated category information, such as

names and optional text (col 4, lines 59-64). Furthermore, Parulski teaches that the

categorization feature is included in a digital camera, which is a portable device (col 4, lines 55-

58), and the camera includes an LCD device for the user to view and provide selections (col 5,

lines 52-67). Parulski also teaches that a user selects one or more categories for a plurality of

images (Abstract).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to integrate the teachings of Parulski to the teachings of Garber in order

to customize the stored item or item data according to the user, such that the user can easily find

and retrieve the item in faster manner.

Re claims 77, 84: As described above, Parulski teaches that the category information is stored in a removable storage device.

Re claim 78: As described above, Parulski teaches that the category information can be default code symbols. Parulski teaches that the categorization feature is included in a digital camera, which is a portable device (col 4, lines 55-58), and the camera includes an LCD device for the user to view and provide selections (col 5, lines 52-67).

Re claims 79 and 88: Parulski discloses that the category information can be default code symbol or can be externally-generated category information, such as names and optional text and/or graphic overlays. Garber also teches describing a certain item or class of items Therefore, the categories describe different types of items.

Re claims 82 and 89: As described above, Parulski teaches that the category can be externally-generated category information, and therefore, the category information is uploaded externally. Since Parulski teaches an LCD for display of information as described above.

Re claims 85 and 86: Parulski discloses that the category information can be default code symbol or can be externally-generated category information, such as names and optional text and/or graphic overlays. Since the category information can be names, optional text and/or graphic overlays, the category information may or may not be mutually exclusive because one category may or may not represent more than one category.

Re claim 90: Parulski teaches that after the user selects a particular category, the image is captured and the category information is stored in the removable storage device (col 4, lines 66-col 5, line 1) as described above.

9.   Claims 25-47 rejected under 35 U.S.C. 103(a) as being unpatentable over Garber et al in

view of Barritz et al (US Patent Application Publication 2002/0008621).

        Re claims 25: Garber teaches a method of using a portable RFID device with a group of

items each having an RFID tag, inputting information to the device describing a certain item or

class of items, scanning the RFID tags associated with each item in the group of items, receiving

signals from each of the scanned RFID tags, and comparing the received signals to the

information input to the device to determine whether the certain item or class of items are present

amount the group of items (col 18, lines 55+). Garber teaches using the information input to

update a database that includes information to an item (col 20, lines 11-12), scanning the RFID

element associated with the item and determining whether the certain item belongs with the

group of items (col 19, lines 45-51).

        Garber does not specifically teach a tag that does not match.

        Barrtiz teaches that when a bar code is scanned, the scanned code is verified against the

database. If an entry is not found, the user may be prompted to enter descriptive information

about the item at which point a new inventory item is created (Page 2, Paragraph [0045], lines 1-

5).

        Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to integrate the teachings of Barritz to the teachings of Garber such that

the user is notified to create a new category for the non-matching item to ensure that the each and

every item is categorized. By ensuring that every item belongs to a category, the user is able to

locate the item in a faster manner.

Re claim 26: Garber teaches that the portable computer includes various feedback

system, such as lights (col 15, lines 8-10).

Re claim 27: Garber teaches that the portable computer includes various feedback

system, such as audio (col 15, lines 8-10).

Re claim 28: Garber teaches that the portable computer includes various feedback

system, such as display (col 15, lines 8-10).

Re claim 29: Garber teaches several buttons for developing user interfaces (col 15, lines

1-5).

Re claim 30: As described above, Barritz teaches that if an entry is not found, the user

may be prompted to enter descriptive information about the item at which point a new inventory

item is created (Page 2, Paragraph [0045], lines 1-5). Such disclosure teaches enabling a user to

create a database record for the item that does not match an entry on the database.

Re claim 31: As described above, Barritz teaches that if an entry is not found, the user

may be prompted to enter descriptive information about the item at which point a new inventory

item is created (Page 2, Paragraph [0045], lines 1-5). Such disclosure teaches enabling a user to

enter information into the reader related to the item that does not match an entry on the database.

Re claim 38: Garber teaches a method of using a portable RFID device with a group of

items each having an RFID tag, inputting information to the device describing a certain item or

class of items, scanning the RFID tags associated with each item in the group of items, receiving

signals from each of the scanned RFID tags, and comparing the received signals to the

information input to the device to determine whether the certain item or class of items are present

amount the group of items (col 18, lines 55+). Garber teaches using the information input to

update a database that includes information to an item (col 20, lines 11-12), scanning the RFID

element associated with the item and determining whether the certain item belongs with the

group of items (col 19, lines 45-51).

Garber fails to teach that the presence or absence of the items is determined

simultaneously.

Barrtiz teaches that when a bar code is scanned, the scanned code is verified against the

database. If an entry is not found, the user may be prompted to enter descriptive information

about the item at which point a new inventory item is created (Page 2, Paragraph [0045], lines 1-

5). Since Barrtiz verifies against the database and locates the entry, Barritz also teaches

simultaneously determining the presence or absence of the item because if the item is verified, it

is present, and if the item is not verified, then it is absence. With Barritz teaching the item is

either present or absence, therefore, it must be one or the other.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to integrate the teachings of Barritz to the teachings of Garber such that

the user is notified to create a new category for the non-matching item to ensure that the each and

every item is categorized. By ensuring that every item belongs to a category, the user is able to

locate the item in a faster manner.

Re claim 39: Garber teaches a method of using a portable RFID device with a group of

items each having an RFID tag, inputting information to the device describing a certain item or

class of items, scanning the RFID tags associated with each item in the group of items, receiving

signals from each of the scanned RFID tags, and comparing the received signals to the

information input to the device to determine whether the certain item or class of items are present

amount the group of items (col 18, lines 55+). Garber teaches scanning a plurality of items

having RFID elements to obtain information from those elements, and comparing a description

of the items obtained using the information obtained from the RFID elements to the algorithm to

determine whether the scanned items are in the algorithm order (col 19, lines 20-27). Garber also

teaches that comparing information is compared with information describing missing items,

which determines the presence or absence of the items in a storage area (col 19, lines1-5).

Garber fails to teach that the presence or absence of the items is determined

simultaneously.

Barrtiz teaches that when a bar code is scanned, the scanned code is verified against the

database. If an entry is not found, the user may be prompted to enter descriptive information

about the item at which point a new inventory item is created (Page 2, Paragraph [0045], lines 1-

5). Since Barrtiz verifies against the database and locates the entry, Barritz also teaches

simultaneously determining the presence or absence of the item because if the item is verified, it

is present, and if the item is not verified, then it is absence. With Barritz teaching the item is

either present or absence, therefore, it must be one or the other.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to integrate the teachings of Barritz to the teachings of Garber such that

· the user is notified to create a new category for the non-matching item to ensure that the each and

every item is categorized. By ensuring that every item belongs to a category, the user is able to

locate the item in a faster manner.

Re claim 40 and 41: Garber teaches a method of using a portable RFID device with a

group of items each having an RFID tag, inputting information to the device describing a certain

item or class of items, scanning the RFID tags associated with each item in the group of items,

receiving signals from each of the scanned RFID tags, and comparing the received signals to the

information input to the device to determine whether the certain item or class of items are present

amount the group of items (col 18, lines 55+). Garber teaches interrogating RFID tags, each

associated with an item to determine information related to the items for a first purpose of

searching for certain items on a predetermine search list and using the information for a second

purpose of determining the presence or absence of the items in the storage area (col 18, lines 55+

and col 19, line 1-5).

Garber fails to teach that the presence or absence of the items is determined

simultaneously.

Barrtiz teaches that when a bar code is scanned, the scanned code is verified against the

database. If an entry is not found, the user may be prompted to enter descriptive information

about the item at which point a new inventory item is created (Page 2, Paragraph [0045], lines 1-

5). Since Barrtiz verifies against the database and locates the entry, Barritz also teaches

simultaneously determining the presence or absence of the item because if the item is verified, it

is present, and if the item is not verified, then it is absence. With Barritz teaching the item is

either present or absence, therefore, it must be one or the other.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to integrate the teachings of Barritz to the teachings of Garber such that

the user is notified to create a new category for the non-matching item to ensure that the each and

every item is categorized. By ensuring that every item belongs to a category, the user is able to

locate the item in a faster manner.

Re claims 42 and 45: Garber teaches a method of using a portable RFID device with a group of items each having an RFID tag, inputting information to the device describing a certain item or class of items, scanning the RFID tags associated with each item in the group of items, receiving signals from each of the scanned RFID tags, and comparing the received signals to the information input to the device to determine whether the certain item or class of items are present amount the group of items (col 18, lines 55+). Garber teaches using an RFID device for scanning the RFID tags associated with each item and comparing the received signals to the information input to the device to determine whether the certain item or class of items are present among the group of items, which serves as a inventory list (col 18, lines 55+ and col 19, lines 42+). Garber also teaches providing an indication of the determination made whether the certain item belongs with the group of items to the user in real time (col 19, lines 50+).

Garber does not specifically teach correcting the inventory list.

Barrtiz teaches that when a bar code is scanned, the scanned code is verified against the database. If an entry is not found, the user may be prompted to enter descriptive information about the item at which point a new inventory item is created (Page 2, Paragraph [0045], lines 1-5). Since Barrtiz verifies against the database and locates the entry, Barritz also teaches simultaneously determining the presence or absence of the item because if the item is verified, it is present, and if the item is not verified, then it is absence. With Barritz teaching the item is either present or absence, therefore, it must be one or the other.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Barritz to the teachings of Garber such that the user is notified to create a new category for the non-matching item to ensure that the each and

every item is categorized. By ensuring that every item belongs to a category, the user is able to

locate the item in a faster manner.

Re claims 43, 44, 46 and 47: Garber teaches a touch-screen display (col 15, lines 1-5).

10.   Claims 99 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garber

in view of Parulski as applied to claim 97 above, and further in view of Barritz. The teachings of

Garber as modified by Parulski have been discussed above.

Garber as modified by Parulski fails to teach creating a list of items that are not on the

ordered list.

Barrtiz teaches that when a bar code is scanned, the scanned code is verified against the

database. If an entry is not found, the user may be prompted to enter descriptive information

about the item at which point a new inventory item is created (Page 2, Paragraph [0045], lines 1-

5). Since Barrtiz verifies against the database and locates the entry, Barritz also teaches

simultaneously determining the presence or absence of the item because if the item is verified, it

is present, and if the item is not verified, then it is absence. With Barritz teaching the item is

either present or absence, therefore, it must be one or the other.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to integrate the teachings of Barritz to the teachings of Garber as

modified by Parulski such that the user is notified to create a new category for the non-matching

item to ensure that the each and every item is categorized. By ensuring that every item belongs to

a category, the user is able to locate the item in a faster manner.

Response to Arguments

11.   Applicant's arguments with respect to claims 1-31, 38-49, 75-102 have been considered

but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394.

The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kumiko C. Koyama
Kumiko C. Koyama
September 06, 2005

DIANE I. LEE
PRIMARY EXAMINER